

**SUPREME COURT MINUTES
TUESDAY, JANUARY 8, 2002
SAN FRANCISCO, CALIFORNIA**

S018637 People, Respondent

v.

Jackie Ray Hovarter, Appellant

Good cause appearing, and based upon Deputy State Public Defender Denise Kendall's representation that she anticipates filing the appellant's opening brief by December 26, 2002, counsel's request for an extension of time in which to file that brief is granted to February 25, 2002. After that date, only five further extensions totaling 305 additional days are contemplated.

S018909 People, Respondent

v.

Robert Young, Appellant

Good cause appearing, counsel's request for an extension of time in which to file the reply brief is granted to March 1, 2002. The court anticipates that after that date, only three further extensions totaling 180 additional days are contemplated. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and take all steps necessary to meet this schedule.

S030644 People, Respondent

v.

Ricardo Roldan, Appellant

Good cause appearing, and based upon counsel Timothy J. Foley's representation that he anticipates filing the appellant's opening brief by February 8, 2002, counsel's request for an extension of time in which to file that brief is granted to February 19, 2002. After that date, no further extension is contemplated.

S036105 People, Respondent

v.

Cleophus Prince, Jr., Appellant

Good cause appearing, and based upon counsel Mark E. Cutler's representation that he anticipates filing the appellant's opening brief by February 15, 2002, counsel's request for an extension of time in which to file that brief is granted to that date. No further extension will be granted.

S044693 People, Respondent

v.

Randall Clark Wall, Appellant

Good cause appearing, and based upon counsel Darlene Ricker's representation that she anticipates filing the request for correction of the record by March 5, 2002, counsel's request for an extension of time in which to request correction of the record in the superior court is granted to March 5, 2002. After that date, no further extension will be granted.

Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S048763 People, Respondent

v.

Sergio D. Nelson, Appellant

Good cause appearing, and based upon Deputy State Public Defender Joseph Chabot's representation that he anticipates filing the request for correction of the record by May 6, 2002, counsel's request for an extension of time in which to request correction of the record in the superior court is granted to March 8, 2002. After that date, only one further extension totaling 60 additional days is contemplated.

S058472 People, Respondent

v.

Eric Wayne Bennett, Appellant

Good cause appearing, and based upon counsel Tamara P. Holland's representation that she anticipates filing the request for correction of the record by March 15, 2002, counsel's request for an extension of time in which to request correction of the record in the

superior court is granted to March 15, 2002. After that date, no further extension is contemplated.

Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S068230 People, Respondent

v.

Raymond Oscar Butler, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including March 8, 2002.

S084292 In re David Keith Rogers

on

Habeas Corpus

Good cause appearing, and based upon counsel Alan Sparer's representation that he anticipates filing the reply to the informal response by January 24, 2002, counsel's request for an extension of time in which to file that brief is granted to January 24, 2002. After that date, no further extension is contemplated.

S086474 In re Ralph Michael Yeoman

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including February 8, 2002.

S089357 In re Kristin William Hughes

on

Habeas Corpus

Good cause appearing, and based upon Deputy Attorney General Morris Lenk's representation that he anticipates filing the informal response by February 8, 2002, counsel's request for an extension of time in which to file that brief is granted to that date. After that date, no further extension is contemplated.

S091159 In re Ramon Salcido
 on
 Habeas Corpus

Good cause appearing, and based upon Conrad Peterman's representation that he anticipates filing the reply to the informal response by February 26, 2002, counsel's request for an extension of time in which to file that brief is granted to January 25, 2002. After that date, no further extension is contemplated.

S093369 In re Martin James Kipp
 on
 Habeas Corpus

Good cause appearing, and based upon Deputy Attorney General Randall D. Einhorn's representation that he anticipates filing the informal response by April 26, 2002, counsel's request for an extension of time in which to file that brief is granted to February 4, 2002. After that date, only three further extensions totaling 81 additional days are contemplated.

S093551 In re Michael Ray Burgener
 on
 Habeas Corpus

Good cause appearing, and based upon Deputy Attorney General Lilia E. Garcia's representation that she anticipates filing the informal response by March 8, 2002, counsel's request for an extension of time to file that brief is granted to February 6, 2002. After that date, no further extension is contemplated.

S099557 In re Zeth S., a Person Coming Under the Juvenile Court Law

Orange County Social Services Agency, Plaintiff and Respondent
v.

Stacy S., Defendant and Appellant

On application of Zeth S. and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including February 6, 2002.

Respondent may file a combined reply brief within 20 days after the later of Zeth S. and Stacy S. answer briefs are filed.

S099569 In re Maria Del Rosio Alfaro
 on
 Habeas Corpus

Good cause appearing, and based upon Deputy Attorney General Kyle Niki Shaffer's representation that she anticipates filing the informal response by January 31, 2002, counsel's request for an extension of time in which to file that brief is granted to January 31, 2002. After that date, no further extension will be granted.

S097137 In re Christian Willis
 on
 Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response with an application for relief from default is extended to and including January 11, 2002.

S100542 In re Bill Bradford
 on
 Habeas Corpus

Good cause appearing, and based upon counsel Darlene Ricker's representation that she anticipates filing the reply to the informal response by February 8, 2002, counsel's request for an extension of time in which to file that brief is granted to February 8, 2002. After that date, no further extension is contemplated.

S101964 Michael Viner et al., Respondents
 v.
 Charles A. Sweet et al., Appellants

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' opening brief on the merits is extended to and including February 19, 2002.

S102401 In re Tauno Waidla
 on
 Habeas Corpus

Good cause appearing, counsel's request for an extension of time in which to file the informal response is granted to February 4, 2002. The court anticipates that after that date, only one further extension totaling 15 additional days will be granted.

S072196 In the Matter of the Suspension of Attorneys
Pursuant to Rule 962, California Rules of Court
 Michael Gregory Nutter, #74853, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate District Attorney. He has subsequently been identified by the Department of Social Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **Michael Gregory Nutter, #74853**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **February 8, 2002**.

 IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

 IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S090057 In the Matter of the Suspension of Attorneys
Pursuant to Rule 962, California Rules of Court
 Timothy Lee Taggart, #69462, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate District Attorney. He has subsequently been identified by the Department of Social Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **Timothy Lee Taggart, #69462**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **February 8, 2002**.

 IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the

suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S085747 In re **Philip Joseph Girardin** on Discipline

It is ordered that the probation previously ordered in the above entitled matter be extended for a period of one year and the previously ordered stay of execution of suspension be extended for six months, as recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 25, 2001. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S101661 In re **Richard Allan Vale** on Discipline

It is ordered that **Richard Allan Vale, State Bar No. 147859**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days and until he makes restitution to Coni Johnson in the amount of \$1500 plus 10% interest per annum from May 27, 1999; and to Wells Fargo Bank in the amount of \$136.40 (or the Client Security Fund, if appropriate) and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on August 17, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate

Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. and Prof. Code, § 6126, subd. (c).)

S101747 In re **Kenneth Dale Fair** on Discipline

It is hereby ordered that **Kenneth Dale Fair, State Bar No. 87535**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.
*(See Bus. and Prof. Code, § 6126, subd. (c).)

S101776 In re **Jay Nathan Eiser** on Discipline

It is ordered that **Jay Nathan Eiser, State Bar No. 68860**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 18, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S101777 In re **William S. De Marini** on Discipline

It is ordered that **William S. De Marini, State Bar No. 149459**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for three years and until he makes restitution to

Todd Brewer (or the Client Security Fund, if appropriate) in the amount of \$1500 plus 10% interest per annum from October 9, 2000, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on July 20, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

